



PATENT
Attorney Docket No. 09243.0218-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Jürgen KUSS et al.)
Serial No.: 10/823,676) Group Art Unit: 2831
Filed: April 14, 2004) Examiner: C. Nguyen
For: ELECTRICAL CABLE HAVING) Confirmation No.: 4882
A HARDGRADE-EPR)
INSULATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Petitioner ("Assignee") PIRELLI KABEL & SYSTEME GMBH & CO. KG, duly organized under the laws of the Country of Germany and having its principal place of business at Kabelwerk Berlin, Gartenfelder Strasse 28, 13599 Berlin, Germany, represents that it is the only assignee of the entire right, title and interest in and to the above-identified application, Serial No. 10/823,676 filed April 14, 2004 for ELECTRICAL CABLE HAVING A HARDGRADE-EPR INSULATION in the name of Jürgen Kuss and Burkhard Herpich as indicated by assignment duly recorded in the U.S. Patent and Trademark Office at Reel 013242, Frame 0267, on August 9, 2002, in the parent case, U.S. Patent Application No. 10/148,417, filed August 29, 2002, in the names of Jürgen Kuss and Burkhard Herpich, for ELECTRICAL CABLE HAVING A HARDGRADE-EPR INSULATION. Petitioner also represents that it is and at all times was the only

assignee of application Serial No. 10/148,417, filed August 29, 2002 (now U.S. Patent No. 6,781,062), for ELECTRICAL CABLE HAVING A HARDGRADE-EPR INSULATION in the names of Jürgen Kuss and Burkhard Herpich as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 013242, Frame 0267. Assignee further represents that to the best of Assignee's knowledge and belief, title to the above-identified application and the United States Patent No. 6,781,062 are in Assignee, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, Assignee hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 10/823,676, which would extend beyond the expiration date of Patent No. 6,781,062 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,781,062, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on Appl. No. 10/823,676 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent No. 6,781,062, as presently shortened by any terminal disclaimer, in the event that Patent No. 6,781,062: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a

reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), payment of \$130.00 is enclosed herewith. If a fee is required for an extension of time under 37 C.F.R. 1.136 not otherwise accounted for, such an extension is requested and that fee, as well as any other necessary fees, should also be charged to our deposit account 06-0916.

The undersigned is authorized to act on behalf of Assignee PIRELLI KABEL & SYSTEME GMBH & CO. KG.

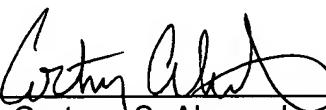
I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 17, 2005

By:


Cortney S. Alexander
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